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EQUIPMENT OPERATOR CONTACT NUMBER: 508-303-2003. PLEASE CALL IF YOU DO NOT RECEIVE ALL THE PAGES.

**TO: EXAMINER JACK DINH  
UNITED STATES PATENT AND TRADEMARK OFFICE  
ARLINGTON, VA 22313-1450**

**Telephone (571) 272-2327**

**FAX (703) 872-9306**

**FROM: Sender Name: Leigh J. Martinson (Reg. No. 50,749)**

**Number of Pages INCLUDING This Cover Sheet 6**

**RE: Response to Notice of Non-Compliant Amendment Dated November 2, 2004**

**Application Serial No.: 10/695,109**

**Attorney Docket No. 13354XRUS03C (NOR-083)**

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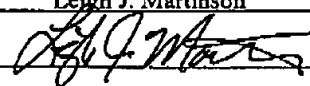
Atty. Docket No. NOR-083 (13354XRUS03C)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Neukermans *et al.* CONFIRMATION NO.: 4733  
SERIAL NUMBER: 10/695,109 GROUP NUMBER: 2873  
FILING DATE: October 28, 2003 EXAMINER: DINH, Jack.  
TITLE: TWO-DIMENSIONAL MICRO-MIRROR ARRAY ENHANCEMENTS

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office, addressed to Examiner DINH at (703) 872-9306 on the date shown below:

\_\_\_\_\_  
Leigh J. Martinson



Date: December 1, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**Response to Notice of Non-Compliant Amendment (37 CFR 1.121)**

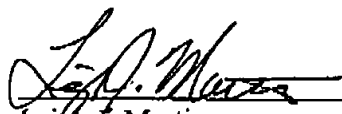
Sir:

This paper responds to the Notice of Non-Compliant Amendment mailed from the United States Patent and Trademark Office on November 2, 2004. Attached herewith is a copy of the Notice of Non-Compliant Amendment and a revised "Listing of Claims."

Respectfully submitted,

Date: December 1, 2004  
Reg. No. 50,749

Tel. No.: (508) 303-2003 ext. 13  
Fax No.: (508) 303-0005



\_\_\_\_\_  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,109	10/28/2003	Armand P. Nardone	12485-001003	4723

24161 1990 11/02/2004  
FISH & RICHARDSON PC  
225 FRANKLIN ST  
BOSTON, MA 02110

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EXAMINER
DOYH, JACK

ART UNIT	PAPER NUMBER
3773	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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### Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 10-26-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be re-submitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

#### THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.  
☐ B. New paragraph(s) should not be underlined.  
☐ C. Other

☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.  
☐ B. Other

☐ 3. Amendments to the drawings:

☒ 4. Amendments to the claims:

- ☒ A. A complete listing of all of the claims is not present.  
☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims).  
☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifier: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).  
☐ D. The claims of this amendment paper have not been presented in ascending numerical order.  
☒ E. Other: 1-26-04 NOT IDENTIFIED WAS CANCELLED

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/sa/b/officespec/dapp/oaia/recomodification/flyer.pdf>.

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a bona fide attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

Telephone No.